

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

LAURA CHARNECO, Individually  
and as Executrix of the Estate  
of David Charneco, deceased,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil No. 11-3201 (NLH/AMD)

**SCHEDULING ORDER**

This Scheduling Order confirms the directives given to counsel at the scheduling conference pursuant to Rule 16, Federal Rules of Civil Procedure on September 27, 2011; and the Court noting the following appearances: John D. North, Esquire, and Joseph P. Callahan, Esquire, appearing on behalf of the plaintiff; and Mark C. Orlowski, Assistant U.S. Attorney, appearing on behalf of the defendant; and for good cause shown:

IT IS this **27th** day of **September 2011**, hereby **ORDERED**:

1. The time within which to file a motion to amend the pleadings or a motion to join new parties will expire on **November 30, 2011**.

2. The Court will conduct a telephone status conference on **January 9, 2012 at 2:00 P.M.**. Counsel for plaintiff shall initiate the telephone call.

3. Pretrial factual discovery is hereby extended to **January 31, 2012**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

4. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D.Pa. 1993).

**The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in Fed. R. Civ. P. 32(a)(4), or unless such deposition use is otherwise**

**permitted under FED. R. Civ. P. 32.**

5. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of plaintiff shall be served upon counsel for defendant not later than **February 29, 2012**. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of defendant shall be served upon counsel for plaintiff not later than **March 30, 2012**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **May 31, 2012**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of FED. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. EVID. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

**The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in FED. R. Civ. P. 32(a)(4), or unless such deposition use is otherwise permitted under FED. R. Civ. P. 32.**

6. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **May 15, 2012**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

7. The Court will conduct the Final Pretrial Conference on **July 26, 2012 at 11:30 A.M.**. The form Joint Final Pretrial Order (original and two copies for the court, with sufficient copies for all counsel), as signed by all counsel, shall be delivered to the Court at the conference. The plaintiff's portion of the proposed order shall be prepared and sent to defense counsel not later than **July 9, 2012**. Defendant's portion of the proposed order shall be prepared and returned to counsel for plaintiff not later than **July 20, 2012**. **FAILURE TO APPEAR AT THIS CONFERENCE WILL LEAD TO THE IMPOSITION OF SANCTIONS, INCLUDING COSTS.**

**TRIAL COUNSEL MUST APPEAR AT THE FINAL PRETRIAL CONFERENCE UNLESS SPECIFICALLY EXCUSED BY THE COURT. FED. R. CIV.**

**P. 16(d)**.

8. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY  
RESULT IN THE IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Ann Marie Donio  
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ANN MARIE DONIO  
United States Magistrate Judge

cc: Hon. Noel L. Hillman